

United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

2008 MAY 30 P 2:41

UNITED STATES OF AMERICA

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RICHARD W. WIEKING

CLERK

U.S. DISTRICT COURT

S. S. J.

V.

CRIMINAL COMPLAINT

08-70314 PVT

Francisco Javier RAMOS-Lopez
(Name and Address of Defendant)

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, December 31, 2007, in Santa Clara County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, ten (10) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

Signature of Complainant

5/30/08
Date

at

San Jose, California
City and State

Patricia V. Trumbull
United States Magistrate Judge
Name & Title of Judicial Officer

Patricia V. Trumbull
Signature of Judicial Officer

RE: RAMOS-Lopez, Francisco Javier A90 487 976

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. RAMOS-Lopez is a 31-year-old male who has used fourteen (14) aliases and two (2) dates of birth in the past.
- (2) Mr. RAMOS-Lopez has been assigned one (1) Alien Registration number of A90 487 976, FBI number of 351951XA3, California Criminal Information Index number of A21238402, and a Santa Clara County Personal File Number of DJI124.
- (3) Mr. RAMOS-Lopez is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on two (2) occasions from the United States:

DATE

January 11, 2000

April 24, 2002

PLACE OF DEPORTATION

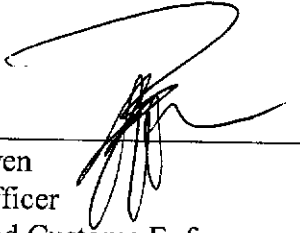
Nogales, AZ

Laredo, TX


- (4) Mr. RAMOS-Lopez last entered the United States at or near Otay Mesa, CA on or after April 24, 2002, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. RAMOS-Lopez on a date unknown, but no later than December 31, 2007, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On May 29, 2008, Mr. RAMOS-Lopez was interviewed by Immigration Enforcement Agent (IEA) John Ramirez at the ICE Office, San Jose, CA, and during that interview, Mr. RAMOS-Lopez was advised of his **Miranda** rights in English. Mr. RAMOS-Lopez waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

RE: RAMOS-Lopez, Francisco Javier A90 487 976

- (6) Mr. RAMOS-Lopez was, on December 13, 1994, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of BURGLARY: SECOND DEGREE, a felony, in violation of Section 460(B) of the California Penal Code, and was sentenced to one (1) year in jail.
- (7) Mr. RAMOS-Lopez was, on August 26, 1998, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of UNLAWFUL SEX WITH A MINOR, an aggravated felony, in violation of Section 261.5(c) of the California Penal Code, and was sentenced to twelve (12) months in jail.
- (8) Mr. RAMOS-Lopez was, on March 31, 1999, convicted in the Superior Court of California, in and for the County of San Joaquin, for the offense of BATTERY ON PEACE OFFICER/EMERGENCY PERSONNEL, a misdemeanor, in violation of Section 243(c) of the California Penal Code, and was sentenced to three (3) months in jail.
- (9) Mr. RAMOS-Lopez was, on February 29, 2000, convicted in the United States District Court, Southern District of California, for the offense of count 1, ILLEGAL ENTRY, a misdemeanor, in violation of Title 8 USC 1325. Count 2, ILLEGAL ENTRY, a felony, in violation of Title 8 USC 1325, and was sentenced to 30 months in prison.
- (10) Mr. RAMOS-Lopez was, on May 1, 2008, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of INFLICT CORPORAL INJURY TO SPOUSE, a felony, in violation of Section 273.5 of the California Penal Code, and was sentenced to 225 days in jail.
- (11) On the basis of the above information, there is probable cause to believe that Mr. RAMOS-Lopez illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.


Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 30 day of May, 2008


PATRICIA V. TRUMBULL
UNITED STATES MAGISTRATE JUDGE